

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC, and Bernard L. Madoff,

Plaintiff,

v.

BORDIER & CIE,

Defendant.

Adv. Pro. No. 12-01695 (CGM)

STIPULATION AND ORDER

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the estate of Bernard L. Madoff, individually, and defendant Bordier & Cie (“Defendant”), by and through their respective, undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on June 6, 2012, the Trustee filed his original complaint (“Complaint”) in the above-captioned adversary proceeding against Defendant to recover alleged subsequent transfers Defendant allegedly received from Fairfield Sentry Limited, Kingate Global Fund Ltd. and Kingate Euro Fund Ltd. ECF. No. 1; and

WHEREAS, pursuant to Stipulation and Order dated December 13, 2021, the Trustee’s claims to recover alleged subsequent transfers that Defendant allegedly received from Kingate Global Fund Ltd. and Kingate Euro Fund Ltd. were dismissed.

IT IS HEREBY STIPULATED AND AGREED, that Defendant shall respond to the Complaint by February 14, 2022. The Trustee shall respond to the motion by April 15, 2022, and Defendant shall file its reply by May 16, 2022.

IT IS HEREBY STIPULATED AND AGREED, that if Defendant files such a motion to dismiss the Complaint, then the parties shall seek oral argument on the motion at the Court’s first available convenience.

IT IS HEREBY STIPULATED AND AGREED, that the Trustee and Defendant reserve all rights, arguments, objections and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses, including, without limitation, challenges to personal jurisdiction or to the jurisdiction of this Court.

IT IS HEREBY STIPULATED AND AGREED, that the above deadlines granted by this Stipulation are without prejudice to either party seeking future extensions of time.

Dated: December 20, 2021
New York, New York

BAKER & HOSTETLER LLP

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*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Liquidation of Bernard L.
Madoff Investment Securities LLC and the
Chapter 7 Estate of Bernard L. Madoff*

SO ORDERED.

**ALLEGAERT BERGER & VOGEL
LLP**

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Attorney for Defendant Bordier & Cie

**Dated: December 21, 2021
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge**